

IN THE IOWA DISTRICT COURT FOR BLACK HAWK COUNTY

LINDA LAMAACK, Plaintiff, vs. MENARD, INC., Defendant.	LAW No. _____ PETITION AT LAW and JURY DEMAND
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COMES NOW Plaintiff Linda Lamaack, by and through her undersigned counsel, and for her claim against Defendant Menards, Inc., states as follows:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff Linda Lamaack is and was at all times hereto a resident of Fort Atkinson, Winneshiek County, Iowa.
2. Defendant Menard, Inc. (hereinafter "Menards"), operating under the name of Menards, owns and operates a shopping center known locally as Menards, located at 1051 E. San Marnan Dr., Waterloo, IA 50702, Waterloo, Black Hawk County, Iowa.
3. Defendant Menards is a foreign, for-profit Wisconsin corporation with its principal place of business in Eau Claire, Wisconsin. It is registered to conduct business in the State of Iowa and may be served through its corporate agent.
4. Defendant Menards is the deed holder of the real estate at 1051 E. San Marnan Dr., Waterloo, Black Hawk County, Iowa.
5. The registered agent for Menard, Inc. is Corporation Service Company, 505 5th Avenue, Des Moines, IA 50309.
6. The damages resulting from the injuries alleged herein exceed the jurisdictional amount for small claims court and were sustained to a significant degree in Black Hawk County, Iowa.

COUNT I – PERSONAL INJURY (PREMISES LIABILITY)

7. Plaintiff re-asserts the allegations contained in Paragraphs 1-6 as if fully restated herein.

8. On May 22, 2022, Plaintiff Linda Lamaack was a patron of Menards store located 1051 E. San Marnan Dr., Waterloo, IA 50702.

9. On the aforementioned date, Linda Lamaack was walking to the garden section of the store when suddenly and without warning an automatic overhead door collapsed on her head causing serious injuries.

10. As a result of the incident on May 22, 2022, Plaintiff Linda Lamaack sustained injuries.

11. The injuries sustained by Plaintiff Linda Lamaack on May 22, 2022 as a result of the incident on May 22, 2022 were severe and permanent.

12. Menards as the owner and occupier of the premises at of Menards store located 1051 E. San Marnan Dr., Waterloo, IA 50702, had a duty to ensure its premises, including any automatic doors therein, were safe to visitors to the store, which it failed to do.

13. Defendant was negligent in one or more of the following particulars:

- a. In allowing a dangerous condition to be present within Menards store located 1051 E. San Marnan Dr., Waterloo, IA 50702, knowing that customers present at the store would be exposed to the dangerous condition;
- b. In failing to inspect hazards and maintain safety precautions within the retail area of Menards store located 1051 E. San Marnan Dr., Waterloo, IA 50702; and
- c. In failing to exercise reasonable care to protect customers, including Plaintiff Linda Lamaack.

14. That as a result of the Defendant's negligence, Plaintiff Linda Lamaack has sustained severe and permanent injuries; including, but not limited to, pain and suffering (past, present and future); loss of function of the mind and body and disability (past, present, and future), mental anguish (past,

present and future); medical expenses; and has sustained a loss of the enjoyment of life all to her detriment.

COUNT II – RES IPSA LOQUITUR

15. Plaintiff re-asserts the allegations contained in Paragraphs 1-14 as if fully restated herein.

16. On May 22, 2022, Plaintiff Linda Lamaack was injured by an instrument under the exclusive control of Defendant Menards, specifically an automatic door.

17. The automatic door which injured Plaintiff was under the exclusive control of Defendant Menards at the time it injured Plaintiff.

18. The injury sustained by Plaintiff would not have occurred if ordinary care had been used.

19. That as a result of the Defendant's negligence, Plaintiff has sustained severe and permanent injuries; including, but not limited to, pain and suffering (past, present and future); loss of function of the mind and body and disability (past, present, and future), mental anguish (past, present and future); medical expenses; and has sustained a loss of the enjoyment of life all to her detriment.

WHEREFORE, Plaintiff Linda Lamaack, by and through her undersigned counsel, prays for judgment in favor of the Plaintiff and against the Defendant Menard, Inc. for an amount which will fully, fairly, and adequately compensate Plaintiff for her injuries and damages, for costs of this action, together with interest as provided by law, and for other such relief to which she is entitled.

Respectfully Submitted,

By: /s/ Nicholas C. Rowley

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JURY DEMAND

COMES NOW Plaintiff Linda Lamaack hereby requests a trial by jury on all issues so triable under Iowa law.

Respectfully Submitted,

By: /s/ Nicholas C. Rowley

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